



November 10, 2022

Hon. Rebecca B. Smith
Judge, United States District Court
Eastern District of Virginia
600 Granby Street
Norfolk, Virginia 23510

Re: OceanGate Expeditions, Ltd.'s 2022 *Titanic* Survey Expedition

Dear Judge Smith:

I write to update the Court on the success of OceanGate Expeditions, Ltd.'s ("OceanGate") 2022 *Titanic* Survey Expedition. The expedition ran from June 8 to July 25, 2022, and was comprised of five 8-day mission legs. Each dive carried out photographic and scientific survey activities at the site of the wreck of *R.M.S. Titanic*. Each eight-day mission began and ended in St. John's, Newfoundland, Canada, and included a total of three days spent in transit between St. John's and the wreck site, and an average of five days spent at the wreck site conducting scientific testing and diving operations.

All activities were conducted in accordance with the precedent set by the United States Court of Appeals for the Fourth Circuit in *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 969-71 (4th Cir.), *cert. denied*, 528 U.S. 825 (1999), and the National Oceanic and Atmospheric Administration's Guidelines for Research, Exploration and Salvage of *RMS Titanic*. As I have previously informed the Court, OceanGate had no intention of disturbing the *R.M.S. Titanic* or interfering with R.M.S. Titanic, Inc.'s ("RMST") rights as salvor-in-possession, or of violating this Court's orders with respect thereto. Every effort was made to avoid contact with the wreck itself, no artifacts or scientific samples other than seawater were collected, and each mission followed a "look but don't touch" ethos.

As I have indicated in my prior reports, the *Titanic* Survey Expedition was conceived, created, and is managed by OceanGate Expeditions, Ltd., a Bahamian Corporation. OceanGate Expeditions has an exclusive contract with OceanGate, Inc. for the charter of the crewed submersible *Titan*, its support equipment, and operations personnel, to conduct dives to explore wreck and wreck site of the *Titanic*. *Titan* is a Cyclops-class submersible designed to carry five people to depths of 4,000 meters (13,123 feet) for site survey and inspection, research and data collection, film and media production. See <https://oceangate.com/our-subs/titan-submersible.html>.

For the 2022 *Titanic* Survey Expedition, OceanGate once again utilized the 93.6-meter/307-foot offshore supply vessel *Horizon Arctic*, owned by Canadian-based Horizon Maritime. See <https://oceangateexpeditions.com/blog/horizon-arctic>. Once again, the crew of the *Horizon Arctic* integrated well with OceanGate's team in the execution of another excellent expedition.

A total of 28 individuals visited the site in *Titan* this year. On the first dive to the *Titanic*, the submersible encountered a battery issue and had to be manually attached to its lifting platform. In the high sea state, the submersible sustained modest damage to its external components and OceanGate decided to cancel the second mission for repairs and operational enhancements. On Missions 3 and 4, there were no submersible related issues that cancelled dives; however, poor weather did delay some dives and eliminated any "extra" dives beyond the two required to get the paying Mission Specialists to the wreck. On Mission 5, there was an extra dive that was used to explore an unknown sonar target identified by P.H. Nargeolet over 25 years before. This site turned out to be an undiscovered deep sub-sea reef that hosted a thriving community of deep-sea corals, sponges, fish, and other marine life. The imagery and environmental DNA from this site are now being analyzed by the OceanGate science team. The OceanGate Foundation, a 501(c)(3) non-profit organization, has provided funding to support this project.

Titan successfully captured more than 30 hours of high-resolution video and dozens of still images of the wreck site, documenting the ongoing deterioration of the bow and stern. In addition, the team captured the first 8K videos of the site and OceanGate released a compilation of those images on YouTube on August 30, 2022. See "First 8K Video of the *RMS Titanic*," available at <https://www.youtube.com/watch?v=x40SAJS2whY>. This video has accumulated more than four million views on OceanGate's YouTube channel, and it has been covered by the NBC Today Show, CNN, BBC, and hundreds of news sites around the world, garnering millions of additional views.

I joined Mission 4 to act as an advisor, as I did last year on Mission 1. At the beginning of Mission 4 and again upon our return to St. John's, Stockton Rush and I hosted live educational programming for thousands of schoolchildren in cooperation with Varsity Tutors. We discussed the submersible, the expedition, the wreck and the scientific research undertaken with an audience of nearly 5,000 registrants for each broadcast. In my experience with Varsity Tutors, a "registrant" normally represents a single family or classroom, so there are often additional viewers, including parents, siblings, friends, relatives and classmates. Consequently, we do not know exactly how many viewers tuned in early on two weekend mornings, during summer vacation, to watch us, but we were pleased with the result. Varsity Tutors has posted the videos on YouTube, where they continue to accumulate views. See "Varsity Tutors' StarCourse - Journey to the *Titanic*: Live Expedition," available at <https://www.youtube.com/watch?v=hOCymgXbfHQ>; and "Varsity Tutors' StarCourse - *Titanic* Expedition Live: The Return," available at https://www.youtube.com/watch?v=_8hQfERGimE.

Consistent with OceanGate's mission to bring the experience of exploring the *Titanic* to the world, the student programs we did for Varsity Tutors and the public release of 8k footage was done free of charge.

CBS Sunday Morning also joined the expedition on Mission 4 to film a two-part series that will air in coming weeks.

The BBC News Travel Show sent a crew of two on Mission 5. They created a two-part series that recently aired, with more than 130,000 views of the first video in the past three weeks. See "Woman 'saves for 30 years' to see *Titanic* shipwreck - BBC News," available at https://www.youtube.com/watch?v=OIZDlC_GQj4. This video, which features Mission Specialist Renata Rojas, provides an excellent overview of the experience OceanGate provides and the work it does to respectfully explore the wreck and wreck site. I encourage the Court to watch this and the other videos referenced in this report so it can see the exciting and successful work being done at the *Titanic* site today.

As we outlined in the May update, a major goal this year was to document the biology of the wreck. OceanGate Expeditions succeeding in getting five seawater samples from the wreck site and two from the mystery reef (which can serve as a baseline for a hard substrate environment undisturbed by the *Titanic*). These samples are being sequenced by eDNAtec; the results are expected in the next few months and the genetic sequences will be available to the scientific community through GenBank.

Like last year, any ballast dropped by the submersible was dropped well clear of the wreck, as near as possible to the coordinates listed in IMO MEPC.1/Circ.779. No additional material (plaques, memorial, flowers, etc.) was deposited on the wreck itself. A dignified memorial service was conducted on the surface during each of the missions, and flowers were thrown onto the surface of the sea. No black water or grey water was discharged within 15 nautical miles of the wreck site.

Finally, once again the success of the 2022 *Titanic* Survey Expedition would not have been possible without the substantial assistance of Commander Paul Henri Nargeolet, who co-piloted the submersible *Titan* on four dives and assisted with every aspect of the six missions' operations. As before, Commander Nargeolet participated as a guest of OceanGate.

If you would like any further information, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "David G. Concannon". The signature is fluid and cursive, with the first name "David" being the most prominent.

David G. Concannon

cc: All counsel (via ECF)